

IN RE: PETITION FOR ZONING VARIANCE
E/S Blue Mount Road, 5,000'
SW of Monkton Road
(1401 Blue Mount Road)
7th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-129-A

Gary S. Lewis, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) in the front yard in lieu of the required rear yard, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protes-

tants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of October, 1988 that a Petition for Zoning Variance to permit an accessory structure (garage) in the front yard in lieu

of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

October 20, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Gary S. Lewis
1401 Blue Mount Road
Monkton, Maryland 21111

RE: PETITION FOR ZONING VARIANCE
E/S Blue Mount Road, 5,000' SW of Monkton Road
(1401 Blue Mount Road)
7th Election District - 3rd Councilmanic District
Gary S. Lewis, et ux - Petitioners
Case No. 89-129-A

Dear Mr. & Mrs. Lewis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 20, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 14, 1988.

#89
\$ 55.10
PO# 04203
Reg# M26368. Zeke Orlin
THE JEFFERSONIAN,
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 10:00 a.m. on Oct. 13, 1988 at 10:00 a.m.

Petition for Zoning Variance
Case Number 89-129-A
E/S Blue Mount Road, 5,000' SW of Monkton Road
(1401 Blue Mount Road)
7th Election District - 3rd Councilmanic District
Gary S. Lewis, et ux
Petitioners
Case No. 89-129-A

Variance to allow for an accessory structure in the front yard in lieu of the required rear yard. The subject matter of this petition is advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of October, 1988 at 10:00 a.m.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 19, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 15, 1988.

#89
\$ 35.63
PO# 04204
Reg# M26301
THE JEFFERSONIAN,
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 10:00 a.m. on Oct. 13, 1988 at 10:00 a.m.

Petition for Zoning Variance
Case Number 89-129-A
E/S Blue Mount Road, 5,000' SW of Monkton Road
(1401 Blue Mount Road)
7th Election District - 3rd Councilmanic District
Gary S. Lewis, et ux
Petitioners
Case No. 89-129-A

Variance to allow for an accessory structure in the front yard in lieu of the required rear yard. The subject matter of this petition is advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of October, 1988 at 10:00 a.m.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

Date: 9/22/88



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Gary S. Lewis
1401 Blue Mount Road
Monkton, Maryland 21111

Re: Petition for Zoning Variance
Case Number 89-129-A

Dear Mr. & Mrs. Lewis:

Please be advised that \$55.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 059048

DATE 10/12/88 ACCOUNT PO# 05-110

AMOUNT \$ 105.73

RECEIVED FROM Gary S. Lewis

FOR Zeke Orlin

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-129-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to allow for an accessory structure in the front yard in lieu of the required rear yard.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. The existing topography in the rear yard does not adequately support the construction of an accessory structure due to steep slopes.
 2. An attached structure is not feasible due to the existing topography and dwelling orientation.

MAP N.H.212A
the 3E
E.D. 7A
DATE 1-24-89
500 8F
1000 8F
DP

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Gary S. Lewis

(Type or Print Name)

Signature

Judith A. Lewis

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

McKee & Associates, Inc.

Name

Address

City and State

5 Shawan Rd., Hunt Valley, Md. 21030

Address

Phone No. 252-5820

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of October, 1988 at 10:00 a.m.

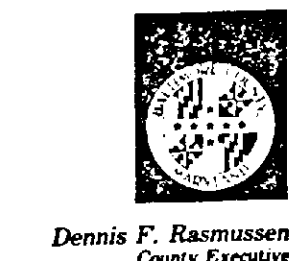
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

9/8/88

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-129-A
E/S Blue Mount Road, 5,000 ft. SW Monkton Road
(1401 Blue Mount Road)
7th Election District - 3rd Councilmanic
Petitioner(s): Gary S. Lewis, et ux
HEARING SCHEDULED: THURSDAY, OCTOBER 13, 1988 at 10:00 a.m.

Variance to allow for an accessory structure in the front yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Gary S. Lewis, et ux

File

McKee & Associates

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-129-A

District 7th

Posted for: Variances

Petitioner: Gary S. Lewis, et ux

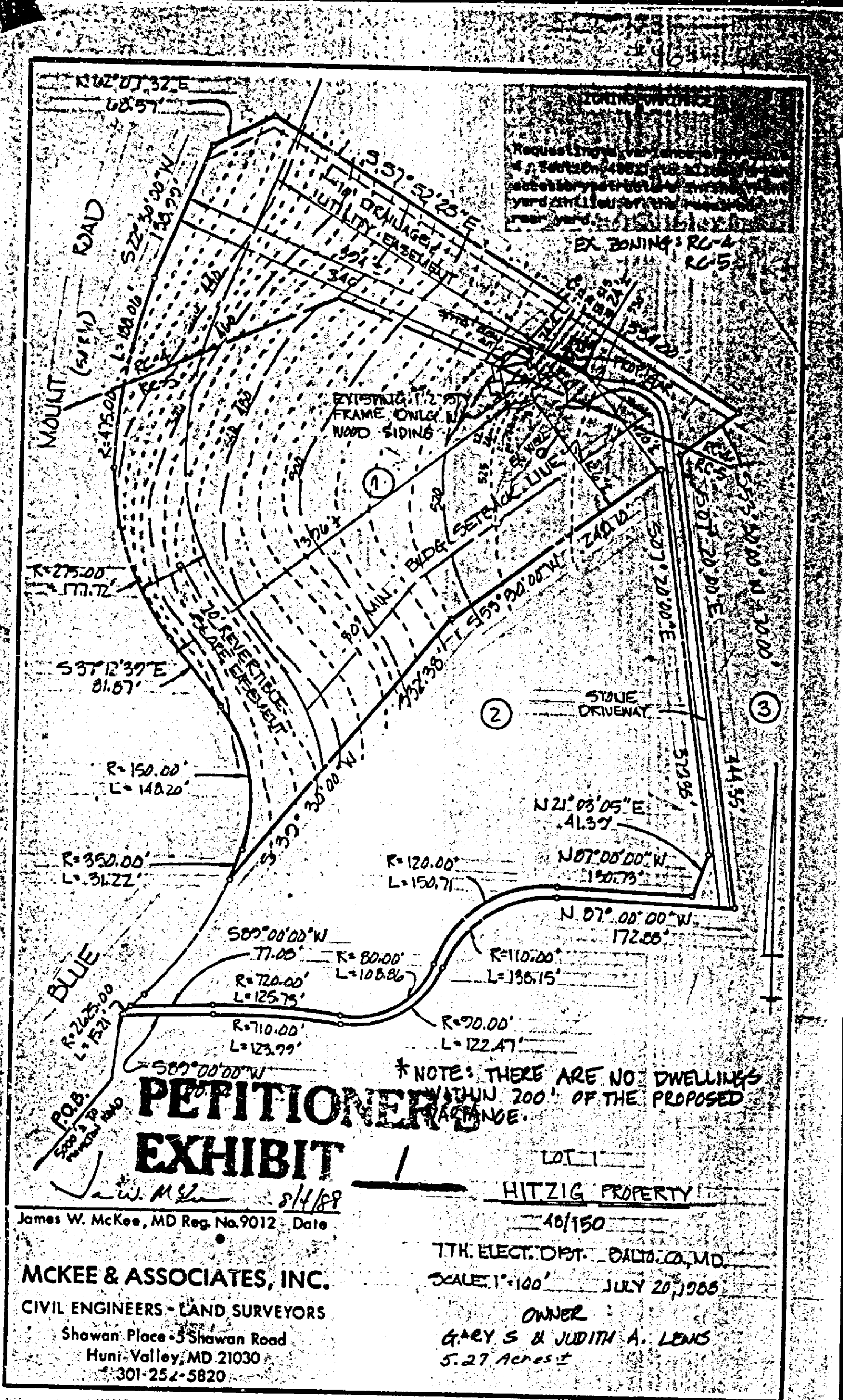
Location of property: E/S Blue Mount Rd. 5000' SW of Monkton Rd.

1401 Blue Mount Rd.

Location of Sign: Placed on W. of E. driveway intersection leading to all

homes in neighborhood. (Address: 1401 Blue Mount Rd.)

Remarks: 2x6x8x10x12x14x16x18x20x22x24x26x28x30x32x34x36x38x40x42x44x46x48x50x52x54x56x58x60x62x64x66x68x70x72x74x76x78x80x82x84x86x88x90x92x94x96x98x100x102x104x106x108x110x112x114x116x118x120x122x124x126x128x130x132x134x136x138x140x142x144x146x148x150x152x154x156x158x160x162x164x166x168x170x172x174x176x178x180x182x184x186x188x190x192x194x196x198x200x202x204x206x208x210x212x214x216x218x220x222x224x226x228x230x232x234x236x238x240x242x244x246x248x250x252x254x256x258x260x262x264x266x268x270x272x274x276x278x280x282x284x286x288x290x292x294x296x298x300x302x304x306x308x310x312x314x316x318x320x322x324x326x328x330x332x334x336x338x340x342x344x346x348x350x352x354x356x358x360x362x364x366x368x370x372x374x376x378x380x382x384x386x388x390x392x394x396x398x400x402x404x406x408x410x412x414x416x418x420x422x424x426x428x430x432x434x436x438x440x442x444x446x448x450x452x454x456x458x460x462x464x466x468x470x472x474x476x478x480x482x484x486x488x490x492x494x496x498x500x502x504x506x508x510x512x514x516x518x520x522x524x526x528x530x532x534x536x538x540x542x544x546x548x550x552x554x556x558x560x562x564x566x568x570x572x574x576x578x580x582x584x586x588x590x592x594x596x598x600x602x604x606x608x610x612x614x616x618x620x622x624x626x628x630x632x634x636x638x640x642x644x646x648x650x652x654x656x658x660x662x664x666x668x670x672x674x676x678x680x682x684x686x688x690x692x694x696x698x700x702x704x706x708x710x712x714x716x718x720x722x724x726x728x730x732x734x736x738x740x742x744x746x748x750x752x754x756x758x760x762x764x766x768x770x772x774x776x778x780x782x784x786x788x790x792x794x796x798x800x802x804x806x808x810x812x814x816x818x820x822x824x826x828x830x832x834x836x838x840x842x844x846x848x850x852x854x856x858x860x862x864x866x868x870x872x874x876x878x880x882x884x886x888x890x892x894x896x898x900x902x904x906x908x910x912x914x916x918x920x922x924x926x928x930x932x934x936x938x940x942x944x946x948x950x952x954x956x958x960x962x964x966x968x970x972x974x976x978x980x982x984x986x988x990x992x994x996x998x1000x1002x1004x1006x1008x1010x1012x1014x1016x1018x1020x1022x1024x1026x1028x1030x1032x1034x1036x1038x1040x1042x1044x1046x1048x1050x1052x1054x1056x1058x1060x1062x1064x1066x1068x1070x1072x1074x1076x1078x1080x1082x1084x1086x1088x1090x1092x1094x1096x1098x1100x1102x1104x1106x1108x1110x1112x1114x1116x1118x1120x1122x1124x1126x1128x1130x1132x1134x1136x1138x1140x1142x1144x1146x1148x1150x1152x1154x1156x1158x1160x1162x1164x1166x1168x1170x1172x1174x1176x1178x1180x1182x1184x1186x1188x1190x1192x1194x1196x1198x1200x1202x1204x1206x1208x1210x1212x1214x1216x1218x1220x1222x1224x1226x1228x1230x1232x1234x1236x1238x1240x1242x1244x1246x1248x1250x1252x1254x1256x1258x1260x1262x1264x1266x1268x1270x1272x1274x1276x1278x1280x1282x1284x1286x1288x1290x1292x1294x1296x1298x1300x1302x1304x1306x1308x1310x1312x1314x1316x1318x1320x1322x1324x1326x1328x1330x1332x1334x1336x1338x1340x1342x1344x1346x1348x1350x1352x1354x1356x1358x1360x1362x1364x1366x1368x1370x1372x1374x1376x1378x1380x1382x1384x1386x1388x1390x1392x1394x1396x1398x1400x1402x1404x1406x1408x1410x1412x1414x1416x1418x1420x1422x1424x1426x1428x1430x1432x1434x1436x1438x1440x1442x1444x1446x1448x1450x1452x1454x1456x1458x1460x1462x1464x1466x1468x1470x1472x1474x1476x1478x1480x1482x1484x1486x1488x1490x1492x1494x1496x1498x1500x1502x1504x1506x1508x1510x1512x1514x1516x1518x1520x1522x1524x1526x1528x1530x1532x1534x1536x1538x1540x1542x1544x1546x1548x1550x1552x1554x1556x1558x1560x1562x1564x1566x1568x1570x1572x1574x1576x1578x1580x1582x1584x1586x1588x1590x1592x1594x1596x1598x1600x1602x1604x1606x1608x1610x1612x1614x1616x1618x1620x1622x1624x1626x1628x1630x1632x1634x1636x1638x1640x1642x1644x1646x1648x1650x1652x1654x1656x1658x1660x1662x1664x1666x1668x1670x1672x1674x1676x1678x1680x1682x1684x1686x1688x1690x1692x1694x1696x1698x1700x1702x1704x1706x1708x1710x1712x1714x1716x1718x1720x1722x1724x1726x1728x1730x1732x1734x1736x1738x1740x1742x1744x1746x1748x1750x1752x1754x1756x1758x1760x1762x1764x1766x1768x1770x1772x1774x1776x1778x1780x1782x1784x1786x1788x1790x1792x1794x1796x1798x1800x1802x1804x1806x1808x1810x1812x1814x1816x1818x1820x1822x1824x1826x1828x1830x1832x1834x1836x1838x1840x1842x1844x1846x1848x1850x1852x1854x1856x1858x1860x1862x1864x1866x1868x1870x1872x1874x1876x1878x1880x1882x1884x1886x1888x1890x1892x1894x1896x1898x1900x1902x1904x1906x1908x1910x1912x1914x1916x1918x1920x1922x1924x1926x1928x1930x1932x1934x1936x1938x1940x1942x1944x1946x1948x1950x1952x1954x1956x1958x1960x1962x1964x1966x1968x1970x1972x1974x1976x1978x1980x1982x1984x1986x1988x1990x1992x1994x1996x1998x2000x2002x2004x2006x2008x2010x2012x2014x2016x2018x2020x2022x2024x2026x2028x2030x2032x2034x2036x2038x2040x2042x2044x2046x2048x2050x2052x2054x2056x2058x2060x2062x2064x2066x2068x2070x2072x2074x2076x2078x2080x2082x2084x2086x2088x2090x2092x2094x2096x2098x2100x2102x2104x2106x2108x2110x2112x2114x2116x2118x2120x2122x2124x2126x2128x2130x2132x2134x2136x2138x2140x2142x2144x2146x2148x2150x2152x2154x2156x2158x2160x2162x2164x2166x2168x2170x2172x2174x2176x2178x2180x2182x2184x2186x2188x2190x2192x2194x2196x2198x2200x2202x2204x2206x2208x2210x2212x2214x2216x2218x2220x2222x2224x2226x2228x2230x2232x2234x2236x2238x2240x2242x2244x2246x2248x2250x2252x2254x2256x2258x2260x2262x2264x2266x2268x2270x2272x2274x2276x2278x2280x2282x2284x2286x2288x2290x2292x2294x2296x2298x2300x2302x2304x2306x2308x2310x2312x2314x2316x2318x2320x2322x2324x2326x2



I hereby certify I have no objection to a garage being built on the property of 1401 Blue Mount Road, the site to be east of the entrance to the house and north of the access driveway. My property at 1337 Blue Mount Road (lot II) borders 1401 (lot I) to the north and existing driveway.

June 6, 1988 Dennis D. Dingman

Witness _____

PETITIONER'S
EXHIBIT 2



I hereby certify I have no objection to a garage being built on the property of 1401 Blue Mount Road, the site to be east of the entrance to the house and north of the access driveway. My property at 1337 Blue Mount Road (lot II) borders 1401 (lot I) to the north and existing driveway.

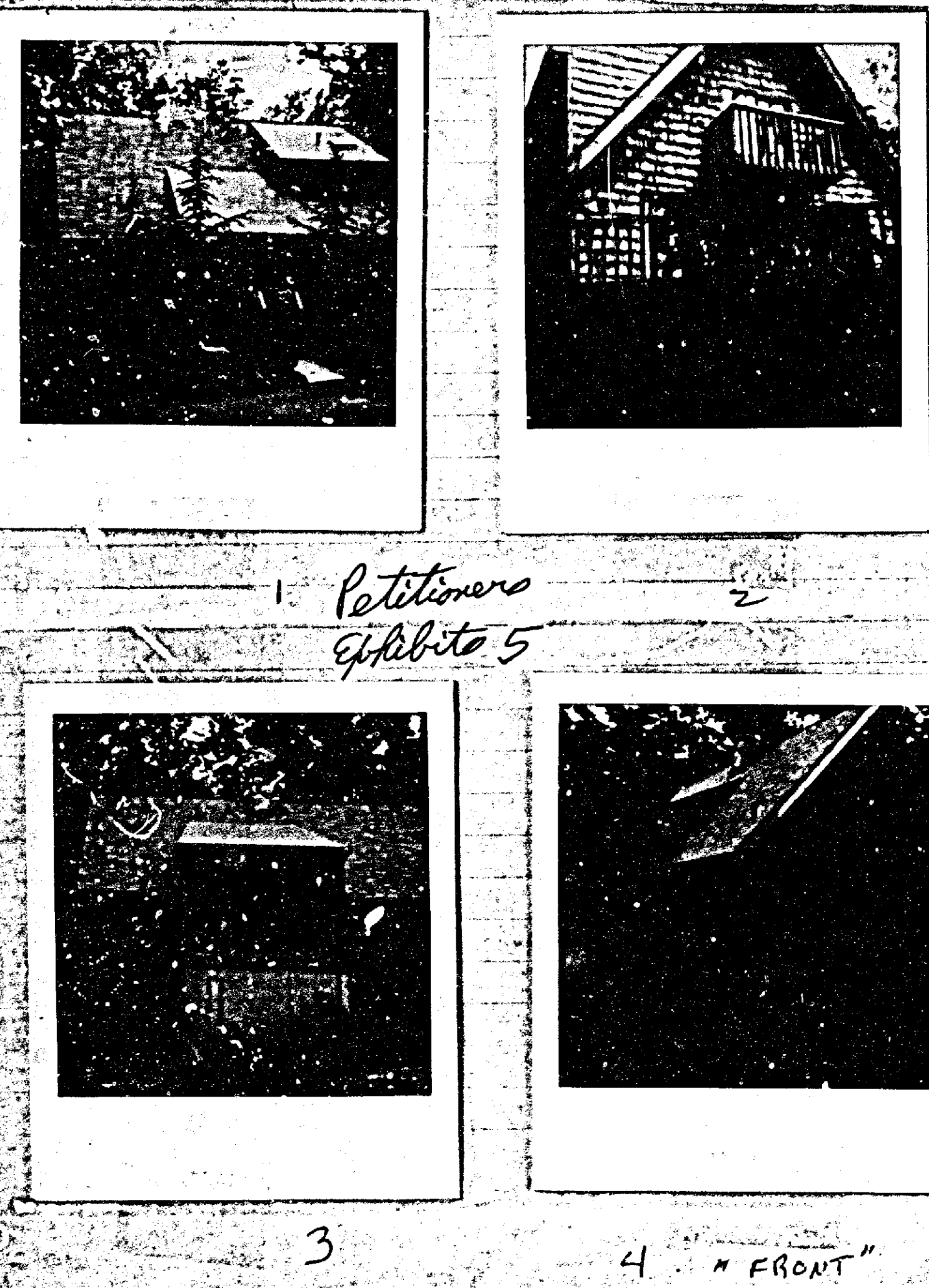
5 Jun 88

Paul F. Rasmussen

5 JUN 88

Witness Susan Tracy

PETITIONER'S
EXHIBIT 4



89-129-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
17th day of August, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner Gary S. Lewis, et ux
Petitioner's Attorney
Received by: James E. Pryor
Chairman, Zoning Plans
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2686
494-4500

Paul H. Reincke
Chief
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

August 18, 1988

Re: Property Owner: Gary S. Lewis, et ux
Location: E/S Blue Mount Road, 5000' SW of Monkton Road
1401 Blue Mount Road
Item No.: 46
Zoning Agenda: Meeting of 8/16/88

Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill
Noted and Approved: _____
Planning Group
Special Inspection Division

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3654

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:
The Bureau of Traffic Engineering has no comments for items number 41, 42, 44, 45, 46, 47, and 48.

Very Truly Yours,
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEN/EP/saw

RECEIVED
SEP 6 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

Mr. & Mrs. Gary S. Lewis
1401 Blue Mount Road
Monkton, Maryland 21111

RE: Item No. 46 - Case No. 89-129-A
Petitioner: Gary S. Lewis, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Lewis:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/dt

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

Date: October 12, 1988

Pat Koller, Deputy Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition Nos. 89-120-A (Valley Ltd.); 89-122-A (C. Weiner);
89-125-A (Crist); 89-127-A (Brown); 89-129-A (Lewis); 89-130-A (Reeder);
89-131-A (Markert); 89-132-A (Sunderland); 89-134-X (Zink)

The Office of Planning and Zoning has no comment on the above listed projects.

PK/sf

RECEIVED ZONING OFFICE
DATE: 10/14/88

RECEIVED
OCT 14 1988
ZONING OFFICE